

date of the present invention predates the earliest publication dates of the Nakano reference.

The present application claims the benefit under 35 U.S.C. § 119 of Japanese Patent Application Nos. 11-273303 and 274874 filed September 27, 1999 and September 28, 1999, respectively. This claim to priority was acknowledged by the Examiner in the Office Action mailed December 3, 2001.

The Nakano '152 patent issued and was first published on April 11, 2000, well after the September 27 and 28, 1999 priority dates of the present application. Nakano '152 was based on the following four Japanese patent applications:

Tokugan 10-077449, a Japanese patent application, that was laid open on October 8, 1999 as JP11-275826;

Tokugan 10--077478 that was laid open on October 8, 1999 as JP11-275828;

Tokugan 10--077508 that was not laid open because the application was withdrawn; and

Tokugan 10-162380 that was laid open on December 24, 1999 as JP11-356015.

All of the above laying open dates were after the priority dates of the present application. On this basis, Applicant respectfully maintains that the Nakano reference was not publicly available and therefore not known to one of skill in the art at the time an application for the present invention was first filed. Accordingly, Nakano '152 is not available as a reference for a rejection of claims 1 and 2 under 35 U.S.C. 103 (a). Further, the inventor of Nakano '152 is also the Applicant for the present application, so that reference was not "by another" under 35 U.S.C. §§ 102(a) or 102(e). Also, both the Nakano '152 and the present application have been commonly owned at all times, so Nakano '152 is not available as a reference under 35 U.S.C. § 103(c).

An English translation of the priority documents of the present application is enclosed herewith for the Examiner's reference.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By



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